

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	CR. 09-40118-09-KES
)	
Plaintiff,)	
)	ORDER GRANTING MOTION
vs.)	FOR RECONSIDERATION
)	
TONY DAY,)	
a/k/a "50 Cent," a/k/a "50,")	
)	
Defendant.)	

Defendant, Tony Day, moves the court to reconsider its April 13, 2012, order denying defendant sentencing relief. The court relied on *United States v. Sidney*, 648 F.3d 904 (8th Cir. 2011), when it previously denied relief to Day. *Sidney* has now been abrogated by the United States Supreme Court's ruling in *Dorsey v. United States*, 132 S. Ct. 2321 (June 21, 2012). As a result, the government does not object to Day's motion for reconsideration and waives any procedural defenses it may have. As a result, it is

ORDERED that Day's motion for reconsideration (Docket 412) is granted. Day's motion for a further reduction of sentence is granted. The U.S. Probation Office is directed to prepare a Second Amended judgment setting forth a sentence of time served followed by three years of supervised release.

Dated September 6, 2012.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
CHIEF JUDGE